

REGULAR CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, JUNE 16, 2009.

The City Council of the City of Leon Valley, Texas, met on the 16th day of June 2009 at 7:00 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the Regular City Council Meeting to order at 7:03 p.m. and asked that the minutes reflect the following members of Council were present: Manea, Reyna, and Baldrige. Mayor Riley announced that Councilmember Dean had an excused absence for this meeting.

City Manager Lambert, City Secretary Feutz, Fire Chief Irwin, Community Development Director Flores, Economic Development Director Ryan, Police Chief Wallace, Public Works Director Vick and Assistant Public Works Director Stolz, Assistant City Secretary/HR Officer Caldera, and Assistant City Attorney Onion were also present.

Mayor Riley asked visiting Boy Scout Mickael Hall lead the assembled group in the Pledge of Allegiance.

Mayor Riley announced that Agenda Item # 9 which involved a request for trail safety and stabilization improvements would be postponed until July 7, 2009 because one of the presenters was ill. There were no objections from Council.

Presentation of the 2009 Xeriscape and Beautification Awards (Mayor Riley).

Mayor Riley presented the 2009 Xeriscape and Beautification Awards for residential and business addresses won this year's competition for beautifying their property and using xeriscape landscaping. She explained that this year there were twenty nominations and the competition was one way the City encouraged the community to improve the City's aesthetics and to meet the City's "El Verde by 2020" goals. Mayor Riley thanked the Gardening Volunteers of South Texas - Dee Emory, Brian Hough, Sherry Cardenas, Bob Carter, and Greg Salyers for assisting in the judging of this competition.

Councilmember Nelson arrived and was seated at her place at the dais.

Presentations by the Mayor were to four address winners for the Excellence Awards: 6319 Sunview, 7328 Linklea, 6801 Linkway and 6780 Bandera Road and for four address winners of Merit Awards: 6700 Bandera Road, 7010 Forest Way, 6943 Forest Way, and 6311 Forest Bend. Mayor Riley also thanked staff members, Sylvia Gomez and Rose Ryan, and the Community Events Committee for their work on this annual award program.

Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed for further discussion. Hearing no requests, Mayor Riley then asked if anyone in the audience wished to address the Council.

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Pete West, resident at 7215 Poss Road, addressed Council about vehicle accidents at Poss and Evers Road and asked for Council to consider installing a traffic signal at the intersection and Poss and Evers Road for resident safety. Mayor Riley stated that this item was on a City Council Agenda, as he had requested, a couple of months earlier, but that he had not showed up to the meeting; and Council decided to pass on action on the issue. Mr. West requested that the issue again be put on an agenda for Council action. City Manager Lambert stated that the Police Chief had been done a study recently of 2008 accident sites in the City and the evidence showed that attention to other intersections were of a higher priority than based upon what is reported for the Poss/Evers Road intersection. The City Manager stated that he would ask for an update on the statistics for the number of accidents at the Poss and Evers Road intersection and report back to Council.

Phillip Manea, resident at 5622 Evers Road, addressed Council, stating that he was sorry to hear the Agenda Item #9 was removed from Council action at this meeting, but he had come to ask Council's support for the funding request for the proposed trail improvements.

Seeing no one else to come forward for the "Citizens to be heard" portion of the meeting, Mayor Riley asked for a motion to approve the following Consent Agenda items:

Consent Agenda

Consider approval of the minutes for the City Council Meetings of June 2, 2009 and Special City Council Meeting of June 10, 2009 (Feutz).

Consider action on M&C # 06-04-09 a request to dissolve committees whose missions have been completed - the Citizen' Neighborhood Progress Committee and the Steering Committee for the American Institute of Architects' sustainable Design Assessment Team (Mayor Riley).

Consider action on Ordinance appointing a member to the Tree Advisory Board - Alternate Member - Elizabeth Rapkin (Mayor Riley).

Consider action on M&C # 06-05-09 - a request to approve the proposed Bexar Metro 9-1-1- Network District's Fiscal Year 2010 Budget (Chief Wallace).

Consider M&C # 06-06-09 - a request to approve the Bexar Appraisal District Budget for 2010 (Lambert).

A motion was made by Councilmember Nelson, seconded by Councilmember Baldrige, to approve the full Consent Agenda, as listed above. Upon vote, Mayor Riley announced that the motion carried and that Consent Agenda items were approved.

Action Agenda

Council to consider action on a request from the Historical Society of Leon Valley to authorize City funding of up to \$1,000 from the Tree and Land Reserve Fund to make trail safety and stabilization improvements on approximately 80 yards of trail in the Natural Area (Al Uvietta).

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Mayor Riley had announced earlier in the meeting that this agenda item was postponed until the next City Council meeting when the Boy Scout who was preparing to make the trail improvements could attend the meeting.

Consider action on M&C # 06-07-09 - a request to approve a moratorium ordinance on the construction, reconstruction, or other alteration or improvement of any undeveloped, developed, and partially-developed non-residential property located within defined geographic boundaries within the city limits; providing for the temporary suspension of the acceptance, review and approval of permits for the construction, reconstruction, or other alteration or improvement of property located within the defined geographic boundaries within the city limits; providing findings of fact; providing exemptions; providing an appeal process; providing a waiver procedure; providing for a termination date; providing for a severability clause; and providing an effective date (Flores).

A. 2nd Reading

Mayor Riley announced that Council would consider action on M&C # 06-07-09 - a request to approve a moratorium ordinance on the construction, reconstruction, or other alteration or improvement of any undeveloped, developed, and partially-developed non-residential property located within defined geographic boundaries within the city limits; providing for the temporary suspension of the acceptance, review and approval of permits for the construction, reconstruction, or other alteration or improvement of property located within the defined geographic boundaries within the city limits; providing findings of fact; providing exemptions; providing an appeal process; providing a waiver procedure; providing for a termination date; providing for a severability clause; and providing an effective date.

Community Development Director Flores announced that Mayor Riley had just given the second reading for this proposed ordinance.

B. Council considers action on M&C 06-06-09 and attached ordinance.

Community Development Director Flores addressed Council stating that the goal of the proposed moratorium is to explore new ordinances and laws for the development and redevelopment of areas in the interest of public policy to protect the health, safety and general welfare of residents, businesses and the general public. She explained that during the 120-day moratorium, staff, the Zoning Commission, and City Council will have time to explore Master Plans for the O-1, B-1, B-2, B-3, and I-1 zoning districts in the city for such things as: stricter building standards, overlays, town center development uniform signage, building facade regulations, and mixed use developments in non-residential-zoned properties. Ms. Flores stated that a request for qualifications (RFQ) for professional assistance for a redevelopment master plans has been advertised and sent out. She noted that the moratorium was not applicable to any completed applications for building permits and that a waiver procedure is included in the ordinance, as required by law. Ms. Flores noted that there have already been two advertised public hearings, one before the Zoning Commission and one before the City Council and that at this Council meeting, Council is asked to make a decision to proceed or not with the moratorium

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which, if approved, will be in force until October 15, 2009. She reported that the Zoning Commission met on Tuesday, June 9, 2009 and recommended approval of the moratorium for all non-residential properties, by a vote of 5:1.

A motion was made by Councilman Reyna, seconded by Councilman Garcia, to approve the ordinance as presented which ordered the moratorium on the construction, reconstruction, or other alteration or improvement of any undeveloped, developed, and partially-developed non-residential property located within defined geographic boundaries within the city limits; providing for the temporary suspension of the acceptance, review and approval of permits for the construction, reconstruction, or other alteration or improvement of property located within the defined geographic boundaries within the city limits; providing findings of fact; providing exemptions; providing an appeal process; providing a waiver procedure; providing for a termination date; providing for a severability clause; and providing an effective date. Upon unanimous vote, Mayor Riley announced the motion carried and the ordinance was approved.

Consider action on M&C # 06-08-09 with attached ordinance - a request by Ricardo Ruiz for a variance to City Code of Ordinances Chapter 3 "Building Regulations", Section 3.05.003 (a) "Dimensions and Appearance - Residential Fences" to allow a eight foot (8') privacy fence at 5661 Poppy Seed Run. (Flores).

Community Development Director Flores presented variance case information, as requested by resident Ricardo Ruiz, that would allow the homeowner to construct an eight-foot (8') privacy fence on the sides and rear of his property at 5661 Poppy Seed Run. She explained that the City Code permits a six-foot fence for residential properties. She reported that Mr. Ruiz was not in attendance at the meeting, but in his variance request, he noted that the elevation of his property and existing retaining walls in the subdivision do not allow him the privacy that his other neighbors enjoy. Ms. Flores reported that there are no similar variances in this subdivision and she noted that Council may authorize a variance from the code when, in its opinion, undue hardship will result from requiring strict compliance to the code.

Council discussed the slope of the property, whether others in the area will ask for similar variances, the reasons Code specified only a six-foot high fence, and their concerns that planting shrubs and trees by the existing six-foot fence may produce the solution without the variance.

A motion was made by Councilmember Baldrige, seconded by Councilman Reyna, to postpone any Council action on this variance request so that Ricardo Ruiz can make his presentation and additional information for Council on July 7, 2009. Upon vote, Mayor Riley announced the motion carried and that the issue was tabled until July 7, 2009 so that Mr. Ruiz could be present to address Council's questions.

Consider action on a Resolution - a request to approve a city policy that supports recycling at all city-sponsored events.

City Manager Lambert addressed Council explaining that the proposed resolution was requested by the Earthwise Living Committee when they asked Council to adopt a formal policy requiring recycling to be readily available at all city-sponsored events. He noted that the proposed policy would support the City's mission and vision statement for supporting

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environmental stewardship.

Mr. Lambert reported that Waste Management was sending additional recycling containers for inside city buildings, but that the City did not have outdoor recycling containers. He stated that he had submitted a grant for 200 outdoor recycling bins at \$75 each. He noted that the grant would not be awarded for about two more months as the City did not have another funding source for those outdoor bins at this time. City Manager Lambert stated that public works will provide barrels for the July 4th event and stated that the City could buy less than 200 outdoor recycling barrels in the interim. He also stated that handouts would also be given to those who use the facilities and the Public Works Department would empty those recycling bins after each event.

Following discussion, a motion was made by Councilman Reyna, seconded by Councilmember Nelson, to approve Resolution No. 09-015 as presented. Mr. Reyna also asked that the City Manager be allowed to purchase outdoor recycling bins with the award of the grant.

Resident John Hall voiced his support of the Council's work to support recycling.

Upon vote, Mayor Riley announced the motion carried and Resolution 09-015 was approved.

Discussion Agenda

Discussion on options for a REVISED Poss Road construction plan with City Engineers (Engineers Gonzalez/De la Garza).

City Manager Lambert announced that he only received the charts with proposed prices for full project with full Poss Road reconstruction versus partial reconstruction from the engineering firm. Councilman Reyna announced that the engineers were out of town and unable to get back in time for the meeting.

Mr. Lambert stated that with the street maintenance sales tax, the City could finance the road resurfacing now and when the redevelopment master plan is completed, the City could add the decorative lighting, sidewalks, landscaping later. He reported that with sales tax revenue and labor by city staff, the only major cost would be the asphalt purchase. Mr. Lambert stated that with the City's zipper and laydown machine, Poss Road would be resurfaced and remain in the same configuration as it is today for about \$400,000. He explained that the engineer's for \$1,497,272 still would have Poss Road remain the same width as today, but the construction project would call for a full 21-inch excavation and street replacement.

Byron Vick, Public Works Director, stated that with the zipper equipment, city staff can redo the street surface down to a maximum of twelve inches, but total reconstruction would take the surface down 21 inches and would be much more costly as the work must be contracted with others. He explained that with utility cables running along the side of the street, widening the street may not be possible. Mr. Vick stated that after 12 years he would expect the road will need some street overlay, and he related his experience with difficulty stabilizing a street when construction excavates to the depth of soil clay level as with total street reconstruction. He reported that one Geotech cautioned the City not to go below 8" - 10", but the City also has another engineer who recommends total street reconstruction.

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Discussion continued on whether the full reconstruction versus the 6" - 12" asphalt replacement with the zipper would be more cost effective, which option would make Poss Road hold up better for a longer period of time with redevelopment of a city center and any increase in traffic on this road in the future.

Resident Uvietta spoke briefly to support using the 6" - 12" asphalt replacement project versus total street reconstruction due to soil stability problems in that area, near the creek.

Mayor Riley asked for more information and City Manager Lambert stated that staff and the engineers will return with a cost analysis of the two options and ideas how we can fund other options for this street project.

Discussion and consideration of City response to TxDOT's announcement of proposed improvements and lane expansion on IH 410 from Bandera Road (SH 16) to US 90 (Lambert).

City Manager Lambert reminded Council that at an earlier City Council meeting, Councilmembers had been given a copy of a letter from TxDOT notifying the City of TxDOT's plans to expand Loop 410 to eight lanes in the future. He stated that TxDOT has asked for the City's comments on that proposed expansion. He explained that he feared more construction on Loop 410 would force traffic into Leon Valley neighborhood streets and onto SH 16, as alternative routes during highway construction.

Following Council discussion, it was agreed that a letter would be sent to TxDOT asking: where the money was coming from for that highway expansion project, what did TxDOT complete in the last 4 years between SH 16 and Highway 151 on Loop 410, was some of the project part of the predicted lane expansion, and whether TxDOT will take any measures to protect Leon Valley from overflow traffic due to their construction project on Loop 410.

City Manager's report (Lambert).

A. Financial Report for May 2009.

City Manager Lambert reported that with just over 66% of the fiscal year past, we continue to have lower revenue from sales taxes, licenses, permits, fees and fines collected and less interest income than one year ago. He also noted that the City's Hotel/Motel tax income is still lower than originally anticipated, but he remained hopeful that with the summer tourist season beginning, the revenue from the hotel occupancy tax may increase. Mr. Lambert stated that the water and sewer fund expenses and revenue were on target.

B. Set budget workshop dates for July and August 2009.

Council agreed to meet on Saturdays, July 11, 2009 and July 18, 2009, from 8:30 a.m. to noon for FY 2010 budget workshops.

C. Update on RFQ's for redevelopment master plan - set first meeting date.

City Council agreed by consensus to meet on Monday, July 6, 2009 at 3:00 p.m. in the Council Chambers to review top candidates who submitted RFQ's for the redevelopment

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master plan services.

Mr. Lambert also announced that he expected all of the City of Leon Valley to in Stage 2 of the drought management plan by the end of the week with no signs of rain in the near future. He explained that SAWS customers were already in Stage 2, but the Leon Valley water system customers follow the Edwards Aquifer Authority's declaration of water restriction stages, and since it is based on a 10-day average, the start of Stage 2 was later than for SAWS customers in Leon Valley.

Citizens to be heard.

Resident John Hall addressed Council thanking them for providing great library services for citizens and also thanking Chief Wallace and Lt. Reyes for assistance with a recent youth bicycle rodeo event.

Announcements.

A. Report from Councilmember Baldrige on trip to Alaska.

Councilmember Baldrige provided information on her anniversary trip to Alaska and reported on how the higher temperatures in the climate were causing significant snow and ice melt in Alaska and the repercussions of that melting.

B. Set date for Mayors' meeting on CPS Energy issue.

Mayor Riley announced that she has invited Mayors from several area cities to meet on June 30, 2009 to discuss strategy in negotiating a better franchise fee from CPS Energy for the renewal of their expiring 20-year contracts. She and Councilmember Baldrige explained that almost 20 years ago Councilmember Baldrige was Mayor Baldrige and stated that she was instrumental in organizing suburban city mayors to seek better franchise rates than what was originally offered by City Public Service at that time.

C. Report on Residential Household Hazardous Waste Program.

Mayor Riley reported on the Household Hazardous Waste program from Bexar County homeowners and encouraged everyone to use the free program.

Councilman Reyna announced the sad news of the death of Senator Van de Putte's nephew.

Mayor Riley, members of City Council and the audience wished Councilmember Nelson a Happy Birthday.

City Manager Lambert announced that the July 4th Parade and festivities are being worked on and the Community Events Committee wanted to know who, from Council, will be riding in the parade. Councilmembers Reyna and Baldrige stated that they would ride, Mayor Riley and Councilmember Nelson suggested they would like to use Segways or bicycles or walk.

Convene into executive session in accordance with the Texas Government Code, Section 551.071, "Consultations with Attorney" to seek advice from the City Attorney regarding potential litigation regarding a "Vested Interest" claim from attorney Patrick Christensen.

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Mayor Riley announced at 8:55 p.m. that Council would convene into closed executive session in accordance with the Texas Government Code, Section 551.071, "Consultations with Attorney" to seek advice from the City Attorney regarding potential litigation regarding a "Vested Interest" claim from attorney Patrick Christensen.

Reconvene into open session and consider discussion and any action as appropriate from executive session.

Mayor Riley reconvened the Council into open session at 9:28 p.m. and announced that there was no action or vote to be taken at this time.

Adjourn.

Hearing no further business, a motion was made by Councilman Reyna, seconded by Councilman Garcia, to adjourn the meeting. Hearing no objections, Mayor Riley announced the meeting adjourned at 9:29 p.m..

ATTEST:

Chris Riley
Mayor

Marie Feutz
City Secretary

Approved by majority vote of City Council at the Regular City Council Meeting on July 7, 2009.